

## **REMARKS**

### **Revocation of Power of Attorney**

Applicant is enclosing herewith a Revocation of Power of Attorney and Appointment of New Attorney naming BRUCE H. TROXELL as attorney of record in this patent application. It is requested that all further correspondence regarding this matter be forwarded to TROXELL LAW OFFICE PLLC at the address listed on the enclosed form. A CHANGE OF ADDRESS FORM is also being submitted herewith.

### **Claim Rejections**

Claim 2 is rejected under 35 U.S.C. § 112, first paragraph. Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wery (US-1,919,610).

### **Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

### **New Claims**

By this Amendment, Applicant has canceled claims 1-4 and has added new claims 5-8 to this application. It is believed that the new claims 1-12 specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

It is submitted that the claimed subject matter is described in Applicant's specification in sufficient detail to enable one having ordinary skill in the art to make and use Applicant's invention without undue experimentation.

The new claims are directed toward a fastening structure for an umbrella comprising: an upper nest (1); a lower nest (2) having an inner through hole (21) and at least one radial channel (22), the at least one radial channel extending inwardly from an outer periphery of the lower nest and communicating with the inner through

hole; an umbrella post (3) slidably inserted into the inner through hole of the lower nest and fixedly connected to the upper nest at a first end thereof; a plurality of outer main ribs (7); a plurality of strutting ribs (5), each of the plurality of strutting ribs pivotally connected at a first end to the lower nest and at a second end to one of the plurality of the outer main ribs; a plurality of inner main ribs (4), each of the plurality of inner ribs pivotally connected at a first end to the upper nest and at a second end to a middle portion of one of the plurality of strutting ribs; and at least one extending rod (51) connected to a first end of one of the plurality of strutting ribs and inserted into the inner through hole of the lower nest through one of the at least one radial channel, the at least one extending rod releasably engaging the umbrella post.

The cited reference to Wery discloses a pocket umbrella including a spider having a tubular portion (40) through which a main shaft (15) is inserted, and a body (39) and a spreading member (42) are located on an outer periphery of the tubular portion (40). Spreading arms (27) are hinged to a ring (38) of the body (39).

Wery does not teach a lower nest having a inner through hole and at least one radial channel, the at least one radial channel extending inwardly from an outer periphery of the lower nest and communicating with the inner through hole; at least one extending rod connected to a first end of one of the plurality of strutting ribs and inserted into the inner through hole of the lower nest through one of the at least one radial channel; nor does Wery teach the at least one extending rod releasably engaging the umbrella post.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Wery does not disclose each and every feature of Applicant's new claims and, therefore, cannot possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Wery cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

It is further submitted that Wery does not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Wery renders obvious any of Applicant's new claims under 35 U.S.C. § 103.

**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: February 4, 2004

By:

  
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